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7 **UNITED STATES DISTRICT COURT,**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 PROFILE PRODUCTS LLC, a Delaware
11 limited liability company,

12 Plaintiff,

13 v.

14 RAINIER VENEER, INC., an Oregon
15 corporation,

16 Defendants.
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Case No.: 10-cv-5087

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff PROFILE PRODUCTS LLC files this complaint against Defendant
2 RAINIER VENEER, INC., on personal knowledge as to Plaintiff's own activities and on
3 information and belief as to the activities of others, as follows:

4 1. Plaintiff, PROFILE PRODUCTS LLC ("Profile Products") is a Delaware
5 limited liability company having its principal place of business at 750 Lake Cook Road,
6 Suite 440, Buffalo Grove, Illinois 60089.

7 2. Defendant, RAINIER VENEER, INC. ("Rainier Veneer") is an Oregon
8 corporation having its principal place of business at 8220 Eustis-Hunt Road, Spanaway,
9 Washington 98387.

10 JURISDICTION

11 3. This action arises under Title 35 of the United States Code.

12 4. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
13 1338(a). Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b) because
14 Rainier Veneer (1) resides in this district as defined by § 1391(c), (2) conducts business
15 and solicits customers in this district and (3) has committed and continues to commit acts
16 of patent infringement in this district.

17 COUNT I 18 PATENT INFRINGEMENT

19 5. On July 14, 1998, U.S. Patent No. 5,779,782 ("the '782 patent") was duly
20 and lawfully issued for a "Mechanically Bonded Fiber Mulch and Process for Producing
21 the Same." A copy of the '782 patent is attached as Exhibit A. Profile Products has
22 owned the patent throughout the time of Rainier Veneer's infringing acts.

23 6. On August 24, 1999, U.S. Patent No. 5,942,029 ("the '029 patent") was
24 duly and lawfully issued for a "Mechanically Bonded Fiber Mulch." A copy of the '029
25 patent is attached as Exhibit B. Profile Products has owned the patent throughout the
26 time of Rainier Veneer's infringing acts.

27 7. Rainier Veneer makes, uses, sells, and/or offers for sale in the United States
28 mechanically bonded fiber mulch products that infringe the '029 and '782 patents.

1 8. Profile Products has been, and will continue to be, irreparably harmed by
2 Rainier Veneer's conduct unless Rainier Veneer is enjoined by this Court.

3 9. Profile Products has complied with the statutory marking requirements by
4 placing notice of the '782 and '029 patents on the packaging of all fiber mulch products
5 its makes and sells which practice the inventions claimed in the '782 and/or '029 patents.
6

7 **PRAYER FOR RELIEF**

8 Wherefore, Profile Products asks this Court to:

9 A. Enter a preliminary and permanent injunction to enjoin Rainier Veneer
10 from infringing the '782 and '029 patents;

11 B. Award Profile Products damages against Rainier Veneer, with prejudgment
12 interest and costs, pursuant to 35 U.S.C. § 284; and

13 C. Award Profile Products all other relief to which it is entitled.
14

15 **JURY DEMAND**

16 Profile Products demands a trial by jury.

17 Dated: February 8, 2010.
18

19 **NEWMAN & NEWMAN,
20 ATTORNEYS AT LAW, LLP**

21 By:


22 Derek Linke, WSBA No. 38314
23 John Du Wors, WSBA No. 33987
24 Derek A. Newman, WSBA No. 26967

25 **BROOKS KUSHMAN P.C.**

26 Thomas A. Lewry (*pro hac vice* to be filed)
27 Brian S. Tobin (*pro hac vice* to be filed)

28 Attorneys for Plaintiff
PROFILE PRODUCTS LLC